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NORTHERN DISTRICT OF CALIFORNIA

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Attorneys for Defendant,
JPMORGAN CHASE BANK, N.A., an acquirer of certain assets and liabilities of WASHINGTON
MUTUAL BANK from the FDIC acting as receiver, as successor in interest to PROVIDIAN
BANCORP SERVICES and PROVIDIAN FINANCIAL HEALTH PLAN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANITA B. CARR,

Plaintiff,

v.

LIBERTY LIFE ASSURANCE
COMPANY OF BOSTON, a
Massachusetts Corporation, and
PROVIDIAN BANCORP SERVICES, a
domestic corporation, PROVIDIAN
FINANCIAL HEALTH PLAN, an
employee benefits plan,

Defendants.

CASE NO. C 05-3190 TEH

JOINDER OF JPMORGAN CHASE BANK, N.A,
an acquirer of certain assets and liabilities of
WASHINGTON MUTUAL BANK from the FDIC
acting as receiver, as successor in interest to
PROVIDIAN BANCORP SERVICES and
PROVIDIAN FINANCIAL HEALTH PLAN, TO
DEFENDANT LIBERTY LIFE ASSURANCE
COMPANY'S MEMORANDUM OF POINTS
AND AUTHORITIES IN SUPPORT OF
OPPOSITION TO PLAINTIFF'S FOR LEAVE TO
FILE AMENDED COMPLAINT

Date: February 9, 2009
Time: 10:00 a.m.
Crtrm.: 12
Judge: Hon. Thelton E. Henderson


JPMORGAN CHASE BANK, N.A., an acquirer of certain assets and liabilities of
WASHINGTON MUTUAL BANK from the FDIC acting as receiver, as successor in interest to
PROVIDIAN BANCORP SERVICES and PROVIDIAN FINANCIAL HEALTH PLAN ("Chase")
hereby files its Joinder to the Memorandum of Points and Authorities ("Memorandum") of Defendant
LIBERTY LIFE ASSURANCE COMPANY OF BOSTON ("Liberty") filed in support of its
Opposition to Plaintiff's Leave to File Amended Complaint in the above-styled case. As set forth in

1 Liberty's Memorandum of Points and Authorities filed in Support of its Opposition, the court has no
2 jurisdiction to grant the relief Plaintiff seeks, Fed. R. Civ. Pro 419a)(2) and 9 U.S.C. §1, *et seq.*

3 For the same reasons that are set forth in Liberty's Memorandum, Chase respectfully requests
4 the Court to deny Plaintiff's motion to amend her complaint and confirm the arbitration award issued
5 on May 6, 2008 and enter judgment in Providian Financial Health Plan's favor.

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7 Dated: January 20, 2009

EDWARD J. MCNAMARA
RICHARD B. DAVIS
OFFICE OF GENERAL COUNSEL

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11 Edward J. McNamara
12 Attorneys for JPMORGAN CHASE BANK,
13 N.A., an acquirer of certain assets and
14 liabilities of WASHINGTON MUTUAL
15 BANK from the FDIC acting as receiver, as
16 successor in interest to PROVIDIAN
17 BANCORP SERVICES and PROVIDIAN
18 FINANCIAL HEALTH PLAN
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PROOF OF SERVICE**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 9200 Oakdale Avenue, 7th Floor, Mail Stop N110701, Chatsworth, California 91311.

On January 20, 2009, I served the foregoing documents described as **JOINDER OF JPMORGAN CHASE BANK, N.A., an acquirer of certain assets and liabilities of WASHINGTON MUTUAL BANK from the FDIC acting as receiver, as successor in interest to PROVIDIAN BANCORP SERVICES and PROVIDIAN FINANCIAL HEALTH PLAN, TO DEFENDANT LIBERTY LIFE ASSURANCE COMPANY'S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF OPPOSITION TO PLAINTIFF'S FOR LEAVE TO FILE AMENDED COMPLAINT**, on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States mail at Chatsworth, California, addressed as follows:

Laurence F. Padway
Law Offices of Laurence F. Padway
1516 Oak Street, Suite 109
Alameda, CA 94501

Pamela E. Cogan
Robert M. Forni, Jr.
Ropers, Majeski, Kohn & Bentley
1001 Marshall Street, Third Floor
Redwood City, CA 94063

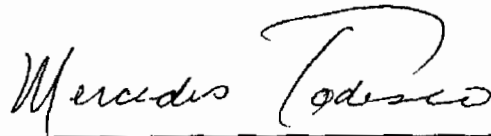
☐ (By Mail — Federal) I placed such envelope with postage thereon fully prepaid in the United States mail at Chatsworth, California.

☒ (By Mail — State) I am readily familiar with the Office of the General Counsel's practice for the collection and processing of correspondence for mailing with the United States Postal Service; such envelope will be deposited with the United States Postal Service on the above date in the ordinary course of business at the business address shown above; and such envelope was placed for collection and mailing on the above date according to the Office of the General Counsel's ordinary business practices.

☒ Executed on January 20, 2009, at Chatsworth, California.

☒ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.



Mercedes Todesco